

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>DENNIS ALLEN, et al.</b>	:	
	:	Case No. C-1-01-159
<b>Plaintiffs</b>	:	
	:	Judge Herman S. Weber
<b>v.</b>	:	
	:	Magistrate Judge Timothy S. Hogan
<b>JOHN CRARY, et al.</b>	:	
	:	
<b>Defendant/ Third-Party Plaintiff</b>	:	<b>SUPPLEMENTAL CITATION OF AUTHORITY FOR THIRD- PARTY DEFENDANTS MOTION TO DISMISS DEFENDANT JOHN CRARY S THIRD-PARTY COMPLAINT</b>
	:	
<b>v.</b>	:	
	:	
<b>POLLY JONES, et al.</b>	:	
	:	
<b>Third-Party Defendants</b>	:	
	:	

Third-PartyThird-Party Defendants Polly Jones andThird-Party Defendants Polly Jones a  
SupplementalSupplemental Citation of Authority for their Memorandum in SuppSupplemental Citatio  
DismissDismiss John L. Crary s Third-Party Complaint. Dismiss John L. Crary s Third-Party Complaint  
CourtCourt to a recent Northem District of Ohio decision, Williams v. Provident Investment  
Counsel, Inc., 2003 U.S. Dist., 2003 U.S. Dist. LEXIS 15348 (N.D. Ohio 2003). This decision, which, 2  
issuedissued on August 15, 2003, after the instant motissued on August 15, 2003, after the insta  
propriety of an ERISA fiduciary s seeking contribution against an alleged co-fiduciary.

Respectfully submitted,

s/ Stephen A. Simon

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Defendants, Monroe and Jones

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on the undersigned by U.S. regular mail, postage prepaid, upon the following:

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s/ Stephen A. Simon

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STEPHEN A. SIMON